

CITY AND COUNTY OF SAN FRANCISCO



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April 18, 2024

VIA PACER & E-MAIL

Hon. Alex G. Tse
Magistrate Judge
United States District Court, Northern District of California
450 Golden Gate Ave.,
San Francisco, CA 94102
agtpo@cand.uscourts.gov

Re: *United States ex rel. Beckham v. 1850 Bryant Land LLC et al.*, No. 3:21-cv-05742-RS

Dear Magistrate Judge Tse:

Pursuant to Section VII.C of the Court's Civil Standing Order, I write to explain substantive changes between the Court's Model Protective Order and the parties' Proposed Stipulated Protective Order. A clean version of the parties' proposed protective order and a redline comparing the model order and proposed order are filed concurrently herewith.¹

- Section 2.10: The definition of Party has been amended to explicitly identify House Counsel. While House Counsel are already included in the definition of Party as "employees" of a Party, the amendment is intended to remove any ambiguity as to their inclusion within the definition.
- Section 5.2(a): Language has been added to address records that a Party may wish to designate as Confidential but which do not have individual pages that can be affixed with the Confidential legend.
- Section 7.2(b): Language has been added to remove potential ambiguity that documents marked Confidential may be shared with a Party that has signed the agreement to be bound by the terms of the Protective Order.
- Section 8: Because Defendants the City & County of San Francisco and the San Francisco Community Investment Fund are subject to public records requests under the California Public Records Act and the San Francisco Sunshine Ordinance, a new Section 8.2 has been added to address public record requests that implicate records designated as Confidential pursuant to the Protective Order. Proposed Section 8.2 requires that a Designating Party be

¹ The Parties' proposed stipulated protective order was initially filed on April 11, 2024, *see* Dkt. No. 105, but was denied without prejudice for lack of compliance with the Court's Civil Standing Order, *see* Dkt No. 106.

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provided notice and an opportunity to seek a court order to prevent disclosure of Confidential records sought through a public records request to a Receiving Party.

- Section 9: Section 9 has been amended to provide that non-parties who produce documents as Confidential under the Protective Order are subject to the same procedures and protections as provided for in Section 8 if their Confidential records are sought in another litigation or through a public records request.
- Section 11: This section has been edited to cross-reference the Parties' stipulated ESI order, which addresses the inadvertent production of attorney-client or work product privileged materials.
- Section 12.4: A new section 12.4 has been added to specify how the notices required by the Protective Order must be provided.

Very truly yours,

DAVID CHIU
City Attorney

s/Karun Tilak

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